Filed 10/24/22 Page 1 of Date Filed: 10/04/2022

U.S. DISTRICT COURT N.D. OF ALABAMA

AO 241 (Rev. 10/16)

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF ALABAMA COLOR AND 27

PETITION UNDER 28 U.S.C. § 2254 FOR WRIT OF ALABAMA HABEAS CORPUS BY A PERSON IN STATE CUSTODY.

1 <u>ee e</u> (Fu	Plaintiff-Petitioner all name under which you were convicted) Handled Petition
Place of Confinement: Prisoner No.:	Fountain Correctional Facility Civil Action No. 3,22-cv-01031-15 (to be filled in by the Clerk's Office) -NAI
Reos (Name of Wa	Respondent Respondent And Enter Warden Respondent Properties Re
and)))
THE ATTOR	NEY GENERAL OF THE STATE OF ALABAMA)
	* AMENDED *
1. (a)	Name and location of court that entered the judgment of conviction you are challenging. Do not use this form unless you were convicted in one of the following counties: BIBB, BLOUNT, CALHOUN, CHEROKEE, CLAY, CLEBURNE, COLBERT, CULLMAN, DEKALB, ETOWAH, FAYETTE, FRANKLIN, GREENE, JACKSON, JEFFERSON, LAMAR, LAUDERDALE, LAWRENCE, LIMESTONE, MADISON, MARION, MARSHALL, MORGAN, PICKENS, SHELBY, ST. CLAIR, SUMTER, TALLADEGA, TUSCALOOSA, WALKER, WINSTON.
	Landerdale County Courthouse Landerdale, Alabam
(b)	Criminal docket or case number (if you know): $CC - 2018 - 001033.00$
2. (a)	Date of the judgment of conviction (if you know):
(b)	Date of Sentencing: 10-25-2018

Case: 3:22-cv-01031-LSC-NAD Document 5 Filed 10/24/22 Page 2 of 11 Date Filed: 10/04/2022 Page 3 of 20

(a) What was your plea? (Check one) (b) If you entered a guilty plea to one count or charge and a not guilty plea to another count or charge, what did you plead guilty to and what did you plead not guilty to? (c) If you went to trial, what kind of trial did you have? (Check one) Jury Judge only Did you testify at a pretrial hearing, trial, or a post-trial hearing? Yes No Did you appeal from the judgment of conviction? Yes No If you did appeal, answer the following: (a) Name of court: (b) Docket or case number (if you know): [c) Result:	(a) What was your plea? (Check one) (1) Not guilty	(1) Not guilty (3) Nolo contendere (no contest)	(a) What was your plea? (Check one) (b) If you entered a guilty plea to one count or charge and a not guilty plea to another count or charge, what did you plead guilty to and what did you plead not guilty to? (c) If you went to trial, what kind of trial did you have? (Check one) Jury Judge only Did you testify at a pretrial hearing, trial, or a post-trial hearing? Yes No Did you appeal from the judgment of conviction? Yes No If you did appeal, answer the following: (a) Name of court: (b) Docket or case number (if you know): (c) Result: (d) Date of Result (if you know): [(e) Citation to the case (if you know):			-	onvicted on m				• •
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(a) Name of court:	(a) Name of court:	(a) Name of court:	(a) Name of court:	Did y	☐ Journal Jou	ury a pretr 'es	rial hearing, to	Judge on rial, or a post No	ly		ne)
(b) Docket or case number (if you know):	(b) Docket or case number (if you know):	(b) Docket or case number (if you know): (c) Result: (d) Date of Result (if you know): (e) Citation to the case (if you know):	(b) Docket or case number (if you know): (c) Result: (d) Date of Result (if you know): (e) Citation to the case (if you know):	Did y	☐ Jou testify at ☐ You appeal fr	ury a pretr es om the	rial hearing, to	Judge on rial, or a post No conviction?	ly		ne)
(c) Result:	(c) Result:	(c) Result:	(c) Result:	Did y Did y	☐ Journal of Journal	ury a pretr es om the	rial hearing, to	Judge on rial, or a post No conviction?	ly		ne)
	(d) Date of Result (if you know):	(d) Date of Result (if you know):	(d) Date of Result (if you know):	Did y Did y	ou testify at You appeal fr You appeal fr You did appeal,	a pretr es om the es answe	rial hearing, to	Judge on rial, or a post No conviction? No No ng:	ly t-trial hearin	g?	
(d) Date of Result (if you know):		(e) Citation to the case (if you know):	(e) Citation to the case (if you know):	Did y Did y If you (a)	ou testify at You appeal fr You appeal fr You did appeal, Name of	a pretr es om the es answe	ial hearing, to	Judge on rial, or a post No conviction? No no ng:	ly t-trial hearing	g?	
				Did y Did y If you (a) (b)	ou testify at you appeal fr you did appeal, Name of	a pretr es om the es answe court: _	ial hearing, to	Judge on rial, or a post No Conviction? No No ng:	ly t-trial hearing	g?	
(e) Citation to the case (if you know):	(e) Citation to the case (if you know):		(f) Grounds raised:	Did y Did y If you (a) (b) (c)	ou testify at You appeal fr You did appeal, Name of Docket or Result:	a pretr es om the es answe court:	ial hearing, the judgment of the following number (if you	Judge on rial, or a post No Conviction? No No ng:	ly t-trial hearing	g?	
	(f) Grounds raised:	(f) Grounds raised:		Did y Did y If you (a) (b) (c) (d)	Date of R	a pretress om the answe court: r case n	judgment of the following the	Judge on rial, or a post No Conviction? No ng:	ly t-trial hearing	g?	
	(d) Date of Result (if you know):	(d) Date of Result (if you know):	(d) Date of Result (if you know):	Did y	☐ Jou testify at ☐ You appeal fr	ury a pretr es om the	rial hearing, to	Judge on rial, or a post No conviction?	ly		ne)

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(g)	Did y	you seek further review by a higher state court? Yes No
	If yes	s, answer the following:
	(1)	Name of court:
	(2)	Docket or case number (if you know):
	(3)	Result:
	(4)	Date of result (if you know):
	(5)	Citation to the case (if you know):
	(6)	Grounds raised:
(h)	Did y	you file a petition for certiorari in the United States Supreme Court?
	If yes	s, answer the following:
	(1)	Docket or case number (if you know):
	(2)	Result:
		Date of result (if you know):
	(3)	
	(3) (4)	Citation to the case (if you know):
Othe	(4)	
	(4) or than th	Citation to the case (if you know):
moti	(4) ons conce	Citation to the case (if you know): e direct appeals listed above, have you previously filed any other petitions, applications, or eming this judgment of conviction in any state court? Yes No reto Question 10 was "Yes," give the following information:
moti	(4) ons conce	Citation to the case (if you know): e direct appeals listed above, have you previously filed any other petitions, applications, or eming this judgment of conviction in any state court? Yes No reto Question 10 was "Yes," give the following information: Name of court: Court of Lauderdalt courts
motio	(4) or than the concour answer	Citation to the case (if you know): e direct appeals listed above, have you previously filed any other petitions, applications, or eming this judgment of conviction in any state court? Yes No
motio	(4) or than the conscious concerning (1)	Citation to the case (if you know): the direct appeals listed above, have you previously filed any other petitions, applications, or the eming this judgment of conviction in any state court? Yes No The rest of the value of the following information: Name of court: Name of court: Docket or case number (if you know): Date of filing (if you know):
motio	(4) or than the cons conceur answer (1) (2)	Citation to the case (if you know): the direct appeals listed above, have you previously filed any other petitions, applications, or the eming this judgment of conviction in any state court? Yes No The result of Landerdale courts are courts and any other petitions, applications, or the eming this judgment of conviction in any state court? No Name of court: Court of Landerdale courts and any other petitions, applications, or the eming this judgment of conviction in any state court? No Docket or case number (if you know): 2018 - 1033

(6)	Did you receive a hearing where evidence was given on your petition, application, or
	motion?
(7)	Result: $A \in A : C \cap A$
(8)	Date of result (if you know):
If yo	u filed any second petition, application, or motion, given the same information:
(1)	Name of court: Circuit Court Landerdale Court Docket or case number (if you know): 2018 -1033
(2)	Docket or case number (if you know): $\angle O(O - OSJ)$
(3)	Date of filing (if you know):
(4)	Nature of the proceeding: motion to dismiss and [
(5)	Grounds raised: Breach of plea garcomer
	DA-18-53-plea agreement st
	defendent only has 89 month
	remaining - Defendent was imposto a Fall 97 months
(6)	Did you receive a hearing where evidence was given on your petition, application, or
	motion?
(7)	Result: denied
(8)	Date of result (if you know):
lf you	I filed any third petition, application, or motion, give the same information:
(1)	Name of court:
(2)	Docket or case number (if you know):
(3)	Date of filing (if you know):
(4)	Nature of the proceeding:
(5)	Grounds raised:

					<u> </u>		
		(6)	Did you receive	a hear	ing w	here	evidence was given on your petition, application, or
		(0)	•	Yes	_		evidence was given on your petition, application, or
		(7)	Result:				
		(8)					
1	(d)		ou appeal to the	_		cour	t having jurisdiction over the action taken on your
		(1)	First petition:		Yes		No
		(2)	Second petition:		Yes		No
		(3)	Third petition:		Yes		No
1	the Cor	nstitutio	_	of the	United	d Stat	which you claim that you are being held in violation of es. Attach additional pages if you have more than four
:	state-co	ourt rem	edies on each gro	und on etition,	which you n	you nay b	must ordinarily first exhaust (use up) your available request action by the federal court. Also, if you fail to be barred from presenting additional grounds at a later in.
ROUN		15		Ce Ris	ed.		posed exceeds what by law I
((a)	Suppor	ting facts (Do not	argue c	л спе	iaw.	Just state the specific facts that support your claim):
	Ø	De 17	Fenden months	\$ ₽		9 5	imposed to a full-2-22, when in Fact
		.)	1	1	0 0		months remaining.

•	months of his liberty.
	/
If you	did not exhaust your state remedies on Ground One, explain why:
Dire	et Appeal of Ground One:
(1)	If you appealed from the judgment of conviction, did you raise this issue:
(2)	If you did not raise this issue in your direct appeal, explain why:
` /	
Post-	Conviction Proceedings:
(1)	Did you raise this issue through a post-conviction motion or petition for habeas corpus
	a state trial court: Yes No
(2)	If your answer to Question (d)(1) is "Yes," state:
	Type of motion or petition: motion to dismiss - due to
	Name and location of the court where the motion or petition was filed: Landerdale County Courthouse
	Docket or case number (if you know): 2018 - 1033
	Date of the court's decision:
	Bate of the court is december:
	Result (attach a copy of the court's opinion or order, if available):
	Result (attach a copy of the court's opinion or order, if available):
	Result (attach a copy of the court's opinion or order, if available):
(3)	Result (attach a copy of the court's opinion or order, if available): Did you receive a hearing on your motion or petition? Yes No
(3) (4) (5)	
(4)	Did you receive a hearing on your motion or petition? Yes No No Did you appeal from the denial of your motion or petition? Yes No

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		Name and location of the court where the motion or petition was filed:
		Docket or case number (if you know):
		Date of the court's decision:
		Result (attach a copy of the court's opinion or order, if available):
	(7)	If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise the issue:
(e)		Remedies: Describe any other procedures (such as habeas corpus, administrative ies, etc.) that you have used to exhaust your state remedies on Ground One:
ROUND T	—— WO:	Plain error
(a)	Suppo	rting facts (Do not argue or cite law. Just state the specific facts that support your claim):
	lik	defendent was deprived of his perty. Defendent was injured dur time. Error is so obvious
(b)	If you	did not exhaust your state remedies on Ground Two, explain why:

(c)	Direc	ct Appeal of Ground Two:
	(1)	If you appealed from the judgment of conviction, did you raise this issue: 🔳 Yes 🗆 No
	(2)	If you did not raise this issue in your direct appeal, explain why:
(d)	Post-	Conviction Proceedings:
	(1)	Did you raise this issue through a post-conviction motion or petition for habeas corpus in
		a state trial court: 🐞 Yes 🗆 No
	(2)	If your answer to Question (d)(1) is "Yes," state:
		Type of motion or petition:
		Name and location of the court where the motion or petition was filed: motion
		to dismiss and releaser
		Docket or case number (if you know):
		Date of the court's decision:
		Result (attach a copy of the court's opinion or order, if available):
	(3)	Did you receive a hearing on your motion or petition?
	(4)	Did you appeal from the denial of your motion or petition? \Box Yes \Box No
	(5)	If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?
		□ Yes □ No
	(6)	If your answer to Question (d)(4) is "Yes," state:
		Name and location of the court where the motion or petition was filed:
		Docket or case number (if you know):
		Date of the court's decision:
		Result (attach a copy of the court's opinion or order, if available):
	(7)	If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise the issue:

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Do y	ou have any petition or appeal now pending (filed and not decided yet) in any court, either sta
feder	al, for the judgment you are challenging? Yes No
If "Y	es," state the name and location of the court, the docket or case number, the type of proceeding
the is	sues raised.
	the name and address, if you know, of each attorney who represented you in the following stage
•	At the preliminary hearing: Mayrice McCaney
(a)	At the preliminary hearing: 11 aurice 11 carrier
(b)	At arraignment and plea:
(c)	At trial:
(d)	At sentencing: Maurice McCaney
(e)	On appeal:
(f)	In any post-conviction proceeding: Temberly 5/80/98
(a)	On appeal from any ruling against you in a post-conviction proceeding:
(g)	On appear from any runing against you in a post-conviction proceeding.
Do y	ou have any future sentence to serve after you complete the sentence for the judgment that you
challe	enging? Yes No
(a)	If so, give name and location of court that imposed the other sentence you will serve in the f
(b)	Give the date the other sentence was imposed:
(c)	Give the length of the other sentence:

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Therefore, petitioner asks that the court grant the following	ng relief: release defendent
From incarceration	innediately
or any other relief to which petitioner may be entitled.	
	Signature of Attorney (if any)
I declare (or certify, verify, or state) under penalty of per Petition for Writ of Habeas Corpus was placed in the prise	erjury that the foregoing is true and correct and that this on on $\bigcirc \bigcirc \bigcirc$
Executed (signed) on 15-22	
	Men A Jeele Signature of Petitioner



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101 Holmus Avenue, Huntsville, All

ORALL BUILDS BOARD

TRENT TEFLE #280431 Fountain Correctional Facility

This Correspondence is forwarded from an Alabama State Prison. The contemts near archeral perfect of the Alabama Department of Corrections is not responsible for the substance or contemt of the State of Corrections is not responsible for the substance or contemt of the State of Corrections is not responsible for the substance or contemt of the State of Correction of Corrections in the Alabama Department of Corrections is not responsible for the substance or contemt of the State of Corrections in the State of Corrections in the Alabama Department of Corrections in Northern District de Alabama